

FILED

JUN 19 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN MONCRIEF,

Plaintiff,

v.

UNKNOWN,

Defendant.

No. C 15-2023 LHK (PR)

ORDER OF DISMISSAL

On May 5, 2015, plaintiff, a California prisoner, filed a letter complaining about the medical treatment at California Health Care Facility in Stockton, California. That same day, the Clerk sent plaintiff a notice that he must submit a complaint within twenty-eight days to avoid dismissal of the action. On May 26, 2015, plaintiff filed a letter stating that he did not intend to file a formal complaint when he sent the May 5, 2015 letter. Plaintiff requests that the case be dismissed.¹

Plaintiff may voluntarily dismiss his complaint without order of this court by filing a notice of dismissal before the opposing party serves either an answer or motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(i). Here, plaintiff's letter filed May 26, 2015, is construed as a notice of dismissal. This case is **DISMISSED** without prejudice.

Because this case was opened in error, no filing fee is due. The Clerk shall terminate all

¹ On June 8, 2015, the case was re-assigned to the undersigned judge after plaintiff failed to consent to magistrate judge jurisdiction.

1 pending motions and deadlines and close the file.

2 IT IS SO ORDERED.

3 DATED: 6/17/2015

Lucy H. Koh

LUCY H. KOH
United States District Judge